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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,730	12/21/2006	Artur Grunwald	GKNG 1282 PCT	4609
27256	7590	09/03/2008	EXAMINER	
Dickinson Wright PLLC 38525 Woodward Avenue Suite 2000 Bloomfield Hills, MI 48304			LIGERAKIS, JOHN	
			ART UNIT	PAPER NUMBER
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			09/03/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/575,730	Applicant(s) GRUNWALD ET AL.	
	Examiner John V. Ligerakis	Art Unit 3681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/13/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statement filed on April 13, 2006 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

No English translation was provided for the following cited foreign patents: DE 933 186, FR 1 093 488.

Claim Rejections - 35 USC § 102

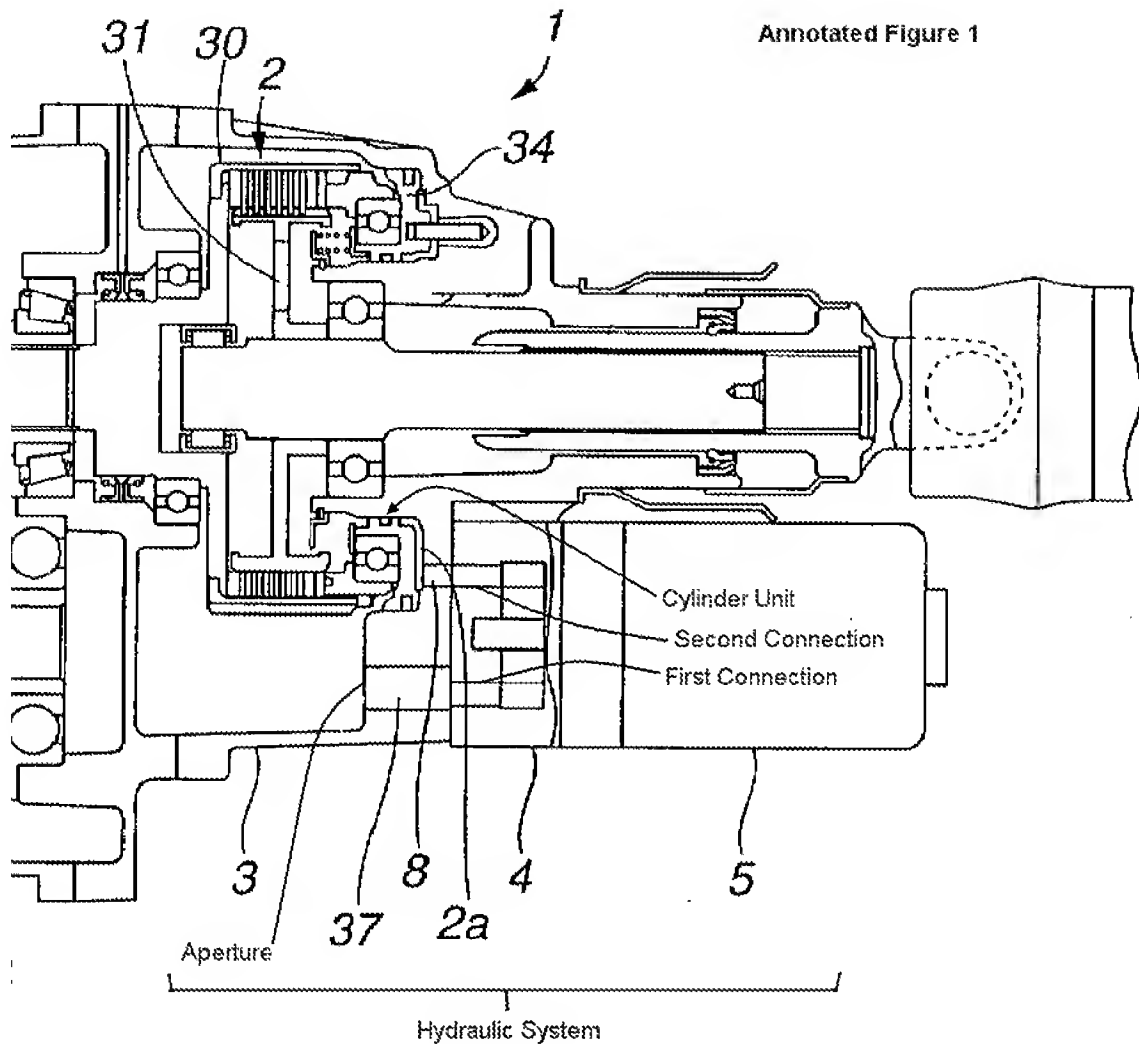
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claims 15-21, 34, and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Sakata et al. (US 2003/0230461). Regarding claims 15 and 16, Sakata et al. discloses (See Annotated Figure 1) an axial setting device (1) for actuating a multi-plate coupling (2) in the driveline of a motor vehicle, comprising: a housing (3) in which there are supported two parts (30,31) so as to be coaxially rotatable relative to one another, which two parts (30,31) can be coupled to one another by the multi-plate coupling (2) arranged in the housing (3); a cylinder unit with a hydraulic chamber (2a) and a piston (34) which is arranged in the hydraulic chamber (2a) so as to be axially displaceable and which is provided for actuating the multi-plate coupling (2); and a hydraulic system for supplying the cylinder unit, comprising a quantity of oil jointly contained in the housing (3) and in the hydraulic chamber (2a), and a pump (4) having a first connection connected to the housing (3) and a second connection connected to the hydraulic chamber (2a), wherein the pump (4) is adapted to convey oil from the housing (3) to the hydraulic chamber (2a) and vice versa.



Regarding claims 17 and 18, Sakata et al. discloses an axial setting device as set forth above, wherein the pump (4) is firmly connected to the housing (3), and in the housing (3), there is provided an aperture connecting the first connection to an interior of the housing (3) and a channel (8) connecting the second connection to the hydraulic chamber (2a).

Regarding Claims 19 and 20, Sakata et al. discloses an axial setting device as set forth above, comprising an antechamber (37) in the housing (3) between the aperture and the first connection.

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Regarding Claim 21, Sakata et al. discloses an axial setting device as set forth above, wherein the channel (8) is provided in the housing (3) only.

Regarding Claim 34, Sakata et al. discloses an axial setting device as set forth above, wherein the pump (4) can be driven by an electric motor (5) and is controllable (See Fig. 1) by an electronic control unit (7).

Regarding claim 35, Sakata et al. discloses an axial setting device as set forth above, wherein the pump (4) and the electric motor (5) form one unit and are positioned on a common longitudinal axis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakata et al. (US 2003/0230461) in view of Gassmann (US Patent 6,318,532).

Sakata et al. discloses the axial setting device as set forth above, but fails to disclose a filter contained in an aperture in the hydraulic system between the housing and the first connection of the pump. Gassmann discloses a hydraulic torque transfer device (See Figure 1) wherein a filter (102) is in an aperture in the hydraulic system (26) between the housing (12) and the first connection (104) of the pump (24). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the

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aperture in the hydraulic system disclosed by Sakata et al. with a filter in view of Gassmann in order to improve oil filtration.

Claims 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakata et al. (US 2003/0230461) in view of Suzuki et al. (US 2002/01627722). Sakata et al. discloses an axial setting device as set forth above, but fails to disclose a pressure sensor and controllable check valve. Suzuki et al. (See Fig. 2) discloses a pressure sensor (38) between the connection (P1) and the hydraulic chamber (26d), the pressure sensor (38) being connected to an electronic control unit (9); and a controllable check valve (37) between the connection (P1) and the hydraulic chamber (26d). It would have been obvious to one of ordinary skill at the time of the invention to provide Sakata et al. with a pressure sensor and controllable check valve between the second connection and the hydraulic chamber of the axial setting device in view of Suzuki et al. to improve pressure control.

Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakata et al. (US 2003/0230461) in view of Bachmann et al. (US 2003/0072665). Sakata et al. discloses the axial setting device with a pump as set forth above, but fails to an internal gear pump comprised of a hollow gear with an internal trochoid, a rotor with an external trochoid, and rotatable gears. Bachmann et al. discloses a toothed device for a pump, wherein the pump is an internal gear pump (See Fig. 1) and comprises a hollow gear (0.2) with an internal trochoid (inner portion of 0.2) and a rotor (0.5) with an external trochoid (0.6), wherein the internal trochoid (0.3) of the hollow gear (0.2) is formed by a plurality of rotatable gears (0.4) being inserted in partially

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cylindrical recesses (0.3) of the hollow gear and the rotor (0.5), along its external trochoid (0.6), comprises a toothed structure which engages the teeth of the rotatable gears (0.4). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sakata et al. such that the pump is a trochoid type gear structure in view of Bachmann et al. to improve efficiency.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Ligerakis whose telephone number is (571) 270-3278. The examiner can normally be reached on M-Th 8am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private Pair only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9179 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call (800) 786-9199 (IN USA OR CANADA) or (571) 272-1000.

/John V Ligerakis/
Examiner, Art Unit 3681

/CHARLES A. MARMOR/
Supervisory Patent Examiner, Art Unit 3681